

and condition, not more than a seventh nor less than a tenth of the net amount of sales in lieu of her dower; (m) which provision has been embodied in the now existing general act directing the course of descents of intestates' real estates. (n) The same range of allowance to the widow, according to her age, health, and condition, is declared to be the rule in cases, like the present, where lands are sold for the benefit of infants; (o) as well as in those cases where the court is authorized to sell the realty in order to save the personalty. (p) Dower is a life interest in one-third of a real estate; and, considered merely as such, it would seem necessarily to follow, that a similar rule and limited range of discretion might have been laid down for fixing the value of a life interest in the whole estate, as well as in the one-third of it only. But, in amending the act to direct descents, so as to provide for allowing an equivalent value to tenants by the courtesy, and to tenants for life, claiming by deed or devise, it was declared, that there should be awarded to such tenants for life such proportion of the purchase money as the court, upon consideration of the age, health, and condition of the tenant for life, should think just and equitable in lieu of such life estate; thus leaving the court's range of discretion entirely unlimited. (q) And these amendments have been engrafted into the existing general act to direct descents, without any material alteration. (r)

There is nothing in any of these laws, which shews, that in estimating the value of a life interest in land any separation or distinction was distinctly directed to be made between that portion of the purchase money of the whole which should be regarded as the price of the life interest only, and that which was to be considered as the price of the remainder or reversion. But such a distinction does not seem to have been altogether lost sight of in all the laws in relation to this matter; for it is declared, that upon a sale of a *reversion* belonging to an infant, with the assent of the tenant for life, the court shall order the annual interest, or *such part thereof* as may be deemed equitable to be paid over to such tenant for life during his life. (s) Whence it is clear, that the Legislature has not deemed it just in every instance to award to the tenant for life

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(m) 1799, ch. 49, s. 6.—(n) 1520, ch. 191, s. 28.—(o) 1816, ch. 154, s. 10.—  
 (p) 1818, ch. 193, s. 8; 1819, ch. 143.—(q) 1909, ch. 160, s. 4; 1810, ch. 25, s. 2;  
 1811, ch. 200, s. 2; 1812, ch. 181, s. 1.—(r) 1820, ch. 191, s. 35, 36, 37 and 38.—  
 (s) 1816, ch. 154, s. 13, which act has been explained and extended to *remainders*  
 by 1831, ch. 311, s. 9.